

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------|---|----------------------------|
| JESSE MEANS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION NO. 05-107E |
| v. |) | |
| |) | HON. SEAN J. McLAUGHLIN |
| UNITED STATES OF AMERICA, |) | U.S. DISTRICT JUDGE |
| <u>et al.</u> , |) | |
| |) | HON. SUSAN PARADISE BAXTER |
| |) | U.S. MAGISTRATE JUDGE |
| Defendants. |) | |
| |) | ELECTRONICALLY FILED |

MOTION FOR LEAVE TO DEPOSE PLAINTIFF

AND NOW, come Defendants, by and through their attorneys, and respectfully seek leave from the Court to depose Plaintiff, stating as follows:

1. Pursuant to Rule 30(a)(2) of the Federal Rules of Civil Procedure, Defendants hereby make an application to the Court for leave to take the deposition of Plaintiff, Jesse Means, who is presently confined in FCI McKean. Mr. Means is the Plaintiff in this case who has filed a Complaint against the Defendants.

2. The deposition is intended to be taken upon oral examination at FCI McKean on July 19, 2006.

3. Rule 30 provides that “a party must obtain leave of Court, which shall be granted to the extent consistent with the principles stated in Rule 26(b)(2), if the person to be examined is confined in prison.” None of the discovery limitations set forth in Rule 26(b)(2) apply to this case, namely, (1) the discovery sought is not unreasonably cumulative or duplicative, and (2) the burden or the expense of the proposed discovery does not outweigh its likely benefit, taking into account

the needs of the case, the amount in controversy, the party's resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues.

4. For these reasons, the undersigned respectfully requests that the Court grant leave to take the deposition of Plaintiff by oral examination.

WHEREFORE, Defendant respectfully requests that the Motion for Leave to Depose be granted.

A proposed Order is attached.

Respectfully submitted,

MARY BETH BUCHANAN
UNITED STATES ATTORNEY

s/Paul D. Kovac
PAUL D. KOVAC
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U.S. Custom House
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Philadelphia, PA 19106

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within *Motion for Leave to Depose* was electronically filed and served by first-class U.S. mail, postage-prepaid, this 13th day of July, 2006, to and upon the following:

Jesse Means, *pro se*
Reg. No. 38021-060
FCI McKean
Post Office Box 8000
Bradford, PA 16701

s/Paul D. Kovac
PAUL D. KOVAC
Assistant U.S. Attorney